

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TENNESSEE**

COURTNEY FELLER, individually, and as)	
Surviving Spouse of Nicolas S. Feller,)	
and COURTNEY FELLER, as Parent and Next)	
Friend of S.G. F and Q.F., minors)	Case No.: 1: 13 - cv - 199
)	
Plaintiff,)	
v.)	
)	
KOCH FOODS, LLC.)	
)	
Defendant.)	

ORDER APPROVING SETTLEMENT AND DISTRIBUTION

Plaintiff Courtney Feller's Motion to Approve Settlement and Distribution of Funds (Doc. 88) and Motion for Leave to File Document Under Seal (Doc. 89) are hereby **GRANTED**.

Upon the Motion of Plaintiff, Courtney Feller, to approve settlement and distribution of funds in this wrongful death action sworn to on May 29, 2015 (Doc. No. 88), the supporting affidavit of attorney Michael S. Krzak sworn to on May 29, 2015 (Ex. 1 to Doc. No. 88), and upon the prior pleadings and proceedings in this action, and after due deliberation, it is hereby

ORDERED that all claims arising against the defendant, Koch Foods, LLC, the sole defendant in this matter are hereby settled and terminated for the total sum of Six Million Nine Hundred Ninety Five Thousand Five Hundred and 00/100 Dollars (\$6,995,500.00) and said sum shall be promptly paid within 28 days by the defendants or their representatives in the manner specified below, whereupon this action and all said claims are dismissed with prejudice, but without costs for any party; and it is further

ORDERED that Plaintiff is authorized to sign and deliver to the defendants a release of the defendants and their insurers who may have contributed to the death of Nicolas Feller; and it is further

ORDERED that pursuant to the retainer agreement, Plaintiff's counsel Clifford Law Offices, P.C. and Lannom & Williams, PLLC shall receive attorneys' fees of 28% of the gross recovery, which totals One Million Nine Hundred Fifty Eight Thousand Seven Hundred Forty and 00/100 Dollars (\$1,958,740.00); and it is further

ORDERED that disbursements/expenses of Three Hundred Fifty Six Thousand One Hundred Forty Eight and 38/100 Dollars (\$356,148.38) (with the amount of \$289,887.82 to Clifford Law Offices, P.C. and \$66,260.56 to Lannom & Williams) are approved and shall be deducted from the settlement; and it is further

ORDERED that pursuant to agreement, the amount of Five Hundred Ninety Five Thousand Five Hundred Forty Six and 66/100 Dollars (\$595,546.66) is approved to be paid to the Ohio Bureau of Workers' Compensation to satisfy the subrogation interest of the Ohio Bureau of Workers' Compensation; and it is further

ORDERED that at the request of plaintiff Courtney Feller, and her minor children that the entire settlement proceeds are allocated to the claim of wrongful death;¹ and it is further

ORDERED that upon execution of a general release and stipulation of dismissal, the defendants shall pay a present value of Six Million Nine Hundred Ninety Five Thousand Five Hundred Dollars (\$6,995,500.00) and the proceeds of said settlement shall be distributed as follows:

¹ Although the Court refers to the minor children in this Order by their initials, S.G.F. and Q.F., they have been sufficiently identified by the parties in the sealed settlement documents.

- (a) To Clifford Law Offices and Lannom & Williams for reimbursement of disbursements \$356,148.38 (with \$289,887.82 being reimbursed to Clifford Law Offices, P.C. and \$66,260.56 being reimbursed to Lannom & Williams);
- (b) To Clifford Law Offices and Lannom & Williams for attorneys' fees \$1,958,740.00;
- (c) To Ohio Bureau of Workers' Compensation for their subrogation interest, the amount of \$595,546.66;
- (d) To Courtney Feller \$2,451,038.98 (\$451,038.98 will be paid directly from the defendant's insurer, Liberty Mutual Insurance Company, to BHG Structured Settlements, Inc. for the purchase of an annuity issued by Berkshire Hathaway Life Insurance Company of Nebraska for the benefit of Courtney Feller (Exhibit "4" to Petition to Approve Settlement and Distribution of Funds), with the remainder of \$2,000,000.00 to be paid by check);
- (e) For the benefit of S.G.F., a minor, \$817,012.99 (the \$817,012.99 will be paid directly from the defendant's insurer, Liberty Mutual Insurance Company, to BHG Structured Settlements, Inc. for the purchase of an annuity issued by Berkshire Hathaway Life Insurance Company of Nebraska for the benefit of S.G.F., a minor (Exhibit "5" to Petition to Approve Settlement and Distribution of Funds));
- (f) For the benefit of Q.F., a minor, \$817,012.99 (the \$817,012.99 will be paid directly from the defendant's insurer, Liberty Mutual Insurance Company, to BHG Structured Settlements, Inc. for the purchase of an annuity issued by Berkshire Hathaway Life Insurance Company of Nebraska for the benefit of Q.F., a minor (Exhibit "6" to Petition to Approve Settlement and Distribution of Funds)).

and it is further

ORDERED that Defendant's insurer, Liberty Mutual Insurance Company, shall pay directly to BHG (Berkshire Hathaway Group) Structured Settlements, Inc., the amount of Four Hundred Fifty One Thousand Thirty Eight and 98/100 Dollars (\$451,038.98) to fund an annuity issued by Berkshire Hathaway Life Insurance Company of Nebraska for the benefit of Courtney Feller providing lifetime monthly payments in the amount of \$1,615.00 for life, payable monthly, guaranteed 40 years, beginning 08/01/2015, with the last guaranteed payment on

07/01/2055, with a guaranteed payout of \$775,200.00 and an “estimated” lifetime payout of \$1,038,004;

and it is further

ORDERED, that Defendants insurer, Liberty Mutual Insurance Company, shall pay directly to BHG (Berkshire Hathaway Group) Structured Settlements, Inc., the amount of Eight Hundred Seventeen Thousand Twelve and 99/100 Dollars (\$817,012.99) to fund an annuity issued by Berkshire Hathaway Life Insurance Company of Nebraska for the benefit of S.G.F., a minor, to provide the following benefits:

- \$65,200.00, payable annually for 4 years, beginning 06/01/2025, with the last guaranteed payment on 06/01/2028
- \$600.00 payable monthly, guaranteed 4 years, beginning 06/01/2025, with the last guaranteed payment on 05/01/2029
- \$100,000.00 payable on 06/01/2029
- \$5,000.00 payable monthly, guaranteed 7 years and 4 months, beginning on 07/01/2029 with the last guaranteed payment on 10/01/2036
- \$250,000.00 payable on 10/14/2036
- \$400,000.00 payable on 10/14/2041
- \$230,000.00 payable on 10/14/2046

The above periodic payments have a guaranteed payout of \$1,709,600.00.

and it is further;

ORDERED that Defendants insurer, Liberty Mutual Insurance Company, shall pay directly to BHG (Berkshire Hathaway Group) Structured Settlements, Inc., the amount of Eight

Hundred Seventeen Thousand Twelve and 99/100 Dollars (\$817,012.99) to fund an annuity issued by Berkshire Hathaway Life Insurance Company of Nebraska for the benefit of Q.F., a minor, to provide the following benefits:

- \$85,380.00 payable annually for 4 years, beginning 06/01/2029, with the last guaranteed payment on 06/01/2032
- \$600.00 payable monthly, guaranteed 4 years, beginning 06/01/2029, with the last guaranteed payment on 05/01/2033
- \$100,000.00 payable on 06/01/2033
- \$5,000.00 payable monthly, guaranteed 7 years and 5 months, beginning on 07/01/2033 with the last guaranteed payment on 11/01/2040
- \$250,000.00 payable on 11/08/2040
- \$400,000.00 payable on 11/08/2045
- \$525,000.00 payable on 11/08/2050

The above periodic payments have a guaranteed payout of \$2,090,320.00.

and it is further;

ORDERED, that a settlement check in the amount of \$1,995,500 (from Zurich Insurance) and a settlement check in the amount of \$2,914,935.04 (from Liberty Mutual) shall be sent by the defendants to Clifford Law Offices, P.C., the plaintiff's attorneys, who shall distribute the settlement funds as set forth above. The settlement check shall be made payable to "Courtney Feller and Clifford Law Offices, P.C., as Attorneys";

and it is further

ORDERED, that upon the payments aforesaid being made and the said release and discontinuance being executed, and upon full compliance with the provisions of this Order, the defendant, Koch Foods, LLC is hereby discharged from any and all further liability as to all matters embraced in and determined by this Order, whereupon the action commenced against defendant, Koch Foods, LLC is dismissed with prejudice;

and it is further

ORDERED, that upon entry of this Order, Courtney Feller will file the necessary and appropriate paperwork in the Probate Court of Hamilton County, Ohio regarding the approval of the settlement and distribution of funds.

SO ORDERED this 5th day of June, 2015.

/s/ Harry S. Mattice, Jr.
HARRY S. MATTICE, JR.
UNITED STATES DISTRICT JUDGE